

### REMARKS

In reply to the Office Action Mailed May 13, 2004, Applicants amended claims 1 and 37 as well as withdrawn claims 38, 46, and 47. Claims 1-9, 11-17, 28, 29, 31-33, 36, 37, and 48-50 are presented for Examination.

Upon the allowance of the generic claim, Applicants request action on the remaining pending, but withdrawn, species claims. (See M.P.E.P. 809.02(e).) Applicants note that withdrawn claims 38, 46, and 47 have been amended so that each of the withdrawn claims include all the limitations of generic claim 1 as provided by 37 CFR 1.141.

#### 35 U.S.C. §102

Claims 1, 3-33, 37, 48, and 49 were rejected under 35 U.S.C. §102(b) as being anticipated by either U.S. Patent No. 2,225,257 to Conill ("Conill") or U.S. Patent No. 5,903,979 to Oldroyd ("Oldroyd"). Applicants have amended claim 1 to recite a phase change material storing latent heat when melted and releasing the heat during recrystallization. Even if the materials disclosed by Conill and Oldroyd can properly be characterized as "phase change materials," which Applicants do not concede, neither Conill nor Oldroyd discloses a phase change material as recited in amended claim 1.

The material disclosed in Conill is not melted, but is rather dissolved in water. For example, Conill states, "[t]he chemical compound 8 may be of any composition which will *generate or produce heat when combined with water.*" (Emphasis added. Conill p. 2, col. 1, lines 17-21.) This is distinct from the phase change material recited in Applicants' claims, which releases heat during recrystallization. Because Conill does not disclose a phase change material as recited in claim 1, Conill does not anticipate claim 1 or those claims depending from claim 1. Accordingly, Applicants request that the rejection be reconsidered and withdrawn.

Oldroyd discloses a shaving enhancement product formulated as a semi-solid gel, which can be miscible with water or dissolve in water. (See Oldroyd, col. 1, lines 60-67.) Oldroyd does not disclose a product that stores latent heat when melted and releases the heat during recrystallization as recited in the pending claims. Without such a teaching, Oldroyd does not

anticipate the pending claims. Accordingly, Applicants request that the rejection be reconsidered and withdrawn.

35 U.S.C. §103

Claims 2-8 and 33 are rejected under 35 U.S.C. §103 as being unpatentable over one of Oldroyd, Conill, or the combination of Conill with U.S. Patent No. 4,692,986 to Motta ("Motta"). All of claims 2-8 and 33 require a phase change material that stores latent heat when melted and releases the heat during recrystallization. As noted above, Oldroyd and Conill do not disclose such a phase change material. Moreover, neither Oldroyd nor Conill suggest such a material. Motta does not cure the deficiencies of Oldroyd and Conill, nor is Motta relied on for such a teaching. Accordingly, none of the references of record, alone or in combination, teach or suggest a phase change material as recited in the pending claims. Without such a teaching or suggestion, a *prima facie* case of obviousness has not been met, and Applicants request reconsideration and withdraw of the rejections.

Applicants believe the application is in condition for allowance, which action is requested.

Applicants believe that no fee is due. However, if Applicants have reached this conclusion in error, please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

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